



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1134

Re: Property at 53 Hawthorn Bank, Duns, TD11 3HL (“the Property”)

Parties:

Mr David Lawson, Mrs Fiona Lawson, 41 Bridgend, Duns, TD11 3ES (“the Applicant”)

Mr Richard Smith, Ms Catherine Maule, 18 Skeldons Brae, Eyemouth, TD14 5LJ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to an order for payment for £5820.88 (FIVE THOUSAND EIGHT HUNDRED POUNDS AND TWENTY POUNDS AND EIGHTY EIGHT PENCE)

Background

1. An application was received by the Housing and Property Chamber dated 24th April 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and extra ordinary end of tenancy costs.
2. On 27th July 2021 all parties were written to with the date for the Case Management Discussion (“CMD”) of 13th February 2023 at 10 am by teleconferencing. The letter also requested all written representations be submitted by 17th August 2021.

3. On 21st July 2022, sheriff officers served the letter with notice of the hearing date and documentation upon both of the Respondents. This was evidenced by Certificate of Intimation dated 21st July 2022.
4. The Applicant required the CMD that was set to be postponed on one occasion and the Respondents required the other dates set for a CMD to be postponed on two occasions. The First Named Respondent was contacted by the Housing and Property Chamber by email on 15th December 2022 advising of the current date of the CMD. The Second Named Respondent was written to by post on the same date.

The Case Management Discussion

5. A CMD was held 13th February 2023 at 10 am by teleconferencing. The Applicants were represented by Mrs Lois Renton. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the CMD.
6. Mrs Renton told the Tribunal that the last communication that she had from the Respondents was on the day that they left. She had received a text message saying that the Respondents had left the Property. It said that they had left the backdoor open so the Property could be taken back and that they would not be returning.
7. Mrs Renton said that she had tried to get direct payments made by the DWP but the Respondents had refused to give her their dates of birth.
8. The Tribunal was satisfied that the outstanding amount for £5820.88 was due to the Applicants by the Respondents and that it was appropriate to grant an order accordingly.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 14th June 2019.
10. The Respondents persistently failed to pay their rent charge of £550 per month. The rent payments were due to be paid on 10th day of each month. The outstanding amount due is £5175.
11. The Applicants were required to replace 8 doors in the Property which cost £321.88.
12. The Applicants required to hire a skip to remove items left behind by the Respondents. The cost of the skip hire was £324.
13. There are no known outstanding Universal Credit issues.
14. The arrears sought total £5820.88.

Decision

15. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £5820.88.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

G Miller

13th February 2023

Legal Member/Chair

Date